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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PENDLETON DIVISION

PRISON LEGAL NEWS, a project of the
HUMAN RIGHTS DEFENSE CENTER,

Plaintiff,

v.

UMATILLA COUNTY; UMATILLA
COUNTY SHERIFF'S OFFICE; JOHN
TRUMBO, individually and in his capacity as
Umatilla County Sheriff, STEWART HARP,
individually and in his capacity as Umatilla
County Jail Commander; THORNE HEARN, in
his individual and official capacity,

Defendants.

No. 2:12-cv-01101-SU

DECLARATION OF LANCE WEBER IN
SUPPORT OF PLAINTIFF'S MOTION
FOR AWARD OF FEES AND COSTS

DECLARATION OF LANCE WEBER IN SUPPORT OF PLAINTIFF'S
MOTION FOR AWARD OF FEES AND COSTS (No. 2:12-cv-01101-
SU) - 1

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Tel 206.622.1604 Fax 206.343.3961

1. I am General Counsel for Human Rights Defense Center and represent Plaintiff Prison Legal News in this action. I make this declaration in support of Plaintiff's Motion for Award of Attorneys Fees and Costs.

2. I am an attorney admitted to practice law in New Hampshire, Missouri, and Kansas. I recently passed the Florida bar exam as well.

3. From October 1997 through March 2010, I maintained a law office in Kansas City, Jackson County, Missouri, and was engaged in the private practice of law in the Kansas City metropolitan area. During that time, I maintained a full-time practice in various Municipal, State and Federal courts in Western Missouri and Eastern Kansas. Exhibit A is a true copy of my resume.

4. I have been employed as General Counsel with the Human Rights Defense Center (HRDC) since September 2010. HRDC is the parent organization of Prison Legal News. HRDC and PLN are dedicated to the advancement of the non-economic and public-spirited goals of education, advocacy and outreach in furtherance of basic human rights and the rights of incarcerated individuals and their families. PLN publishes and distributes a monthly journal of corrections news and analysis and certain books about the criminal justice system and legal issues affecting prisoners, to prisoners, lawyers, courts, libraries, and the public throughout the Country.

5. HRDC is a 501(c)(3) non-profit organization incorporated in Washington State and headquartered in Vermont that, in addition to other activities, provides legal services to Prison Legal News in furtherance of the aforementioned goals. As General Counsel for HRDC, I represent Prison Legal News in disputes about censorship of Prison Legal News publications and correspondence in jurisdictions across the country.

6. During the past two years, I have contributed to the following prison censorship cases:

PLN v. Schwarzenegger, U.S.D.C. (N.D. Cal.), Case No. 4:07-cv-02058

PLN v. Livingston, U.S.D.C. (S.D. Tex.), Case No. 2:09-cv-00296

PLN v. Poor, U.S.D.C. (S.D. Tex), Case No. 3:10-cv-00251

PLN v. Spokane County, U.S.D.C. (E.D. WA) Case No. 2:11-cv-00029-RHW

PLN v. County of Sacramento, U.S.D.C. (E.D. CA) Case No. 2:11-cv-00907-JAM-DAD

PLN v. Dewitt, U.S.D.C. (D. SC) Case No. 2:10-cv-02594

PLN v. Kline, U.S.D.C. (D. Kan.) Case No. 2:11-cv-02497

PLN v. Chelan County, U.S.D.C. (E.D. WA) Case No. 2:11-cv-00337

PLN v. Bezotte, U.S.D.C. (E.D. MI) Case No. 2:11-cv-13460

PLN v. Babeu, U.S.D.C. (D. AZ) Case No. 2:11-cv-01761

PLN v. Gusman, U.S.D.C. (E.D. LA) Case No. 2:11-cv-02277

PLN v. Lee, U.S.D.C. (S.D.NY) Case No. 7:11-cv-07118

PLN v. Gautreaux, U.S.D.C. (M.D. LA) Docket No. 12-125

PLN v. GEO, CCA & Tucker, U.S.D.C. (S.D. FL) Case No. 1:11-cv-24145

PLN v. Chapman and Harris, U.S.D.C. (M.D.GA) Case No: 3:12-cv-00125

PLN v. Columbia County, U.S.D.C. (D. Ore.) Case No. 3:12-cv-00071

7. I kept contemporaneous time records of all work I performed in connection with this action. Exhibit B is a true copy of my contemporaneous time records, including the hours I worked and the work I performed on this case.

8. Alissa Hull is a staff attorney at the Human Rights Defense Center, where she investigates and litigates prison censorship and denial of due process claims. She is admitted to both the New York and New Jersey bars, and recently passed the Florida bar exam. Since becoming a lawyer in 2010, she has practiced criminal law and worked for the Center for Constitutional Rights, as well with the National Lawyers' Guild's Prison Law Project since 2007. She also worked for the Southern Poverty Law Center's School to Prison Reform Project in New Orleans and the Legal Aid Society's Prisoners' Rights Project in New York. Since joining HRDC in January 2012, Ms. Hull has contributed to the following prison censorship cases, in addition to other civil rights litigation:

PLN v. Livingston, U.S.D.C. (S.D. Tex.), Case No. 2:09-cv-00296

PLN v. County of Sacramento, U.S.D.C. (E.D. CA) Case No. 2:11-cv-00907-JAM-DAD

PLN v. Bezotte, U.S.D.C. (E.D. MI) Case No. 2:11-cv-13460

PLN v. Babeu, U.S.D.C. (D. AZ) Case No. 2:11-cv-01761

PLN v. Gusman, U.S.D.C. (E.D. LA) Case No. 2:11-cv-02277

PLN v. Lee, U.S.D.C. (S.D. NY) Case No. 7:11-cv-07118

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PLN v. Chapman and Harris, U.S.D.C. (M.D. GA) Case No. 3:12-cv-00125

PLN v. Columbia County, U.S.D.C. (D. Ore.) Case No. 3:12-cv-00071

9. Exhibit C is a true copy of Ms. Hull's resume. Exhibit D is a true copy of Ms. Hull's contemporaneous time records, including the hours she worked and the work she performed on this case.

10. Zach Phillips is a paralegal for the Human Rights Defense Center, where he has worked for the past four years. He is a graduate of Hampshire College. At HRDC, Mr. Phillips conducts investigations into whether jails and prisons are violating prisoners' rights and censoring PLN's publications and mail, which includes testing their policies and practices, corresponding with prisoner witnesses, and collecting and preserving evidence. His investigations serve as the basis for deciding whether to pursue litigation and are the evidentiary basis for such litigation so he must be careful, thorough, and organized. As an HRDC paralegal, Mr. Phillips has investigated and worked on prison and jail related litigation in California, Florida, Virginia, Louisiana, Georgia, Washington, South Carolina, Michigan, Kansas, Texas and New York, in addition to other states. In this case, HRDC seeks fees for the work performed by Mr. Phillips after the filing of the Complaint only.

11. Exhibit E is a true copy of Mr. Phillips's resume. Exhibit F is a true copy of Mr. Phillips's contemporaneous time records, including the hours he worked and the work he performed on this case.

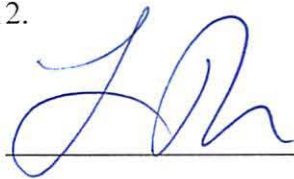
12. HRDC has a multi-jurisdictional practice and has received fees in accordance with the marketplaces where PLN has prevailed. In the State of Washington, in 2011, HRDC received attorneys' fees for work performed by me at the same rate as HRDC requests here. Those fees were collected in response to the consent decrees entered in *PLN v. Spokane County* and *PLN v. Chelan County*, cited above.

13. Based on the experience of HRDC's attorneys and paralegal, and the prevailing rates of attorneys of similar experience in Oregon, HRDC seeks compensation for the work performed on this case at the following hourly rates: Lance Weber, \$350; Alissa Hull, \$210; Zach Phillips, \$105.

14. Prior to filing this motion for fees, Ms. Hull and I carefully reviewed HRDC's time records, excluded work performed after August 1, 2012, and exercised billing judgment to reduce HRDC's fees where arguably time could have been spent more efficiently, reducing the fees sought by \$2,436.00. HRDC's total fees, after reductions, are \$10,094. See Exhibits B, D, and F.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

DATED this 31st day of October, 2012.



Lance Weber

CERTIFICATE OF SERVICE

I hereby certify that on the date below, I electronically filed the foregoing to the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 31st day of October 2012.

MACDONALD HOAGUE & BAYLESS

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